

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-10 were pending in the present application, with claim 1 being independent. Applicant has amended claims 1-6. Applicant has cancelled claims 7-10 without prejudice or disclaimer of the subject matter contained therein. No new matter is added.

II. Objections to the Drawings

The Examiner has objected to Figures 1, 5a and 5b because only that which is old is illustrated without a proper designation as prior art. New drawings have been required and are enclosed herewith.

The Examiner has objected to Figure 4b as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character “x1” is used to designate both the vertical and horizontal axis. New drawings have been required and are enclosed herewith.

III. Objections to the Claims

The Examiner has objected to claims 1, 3 and 5-7 for informalities. Applicant has amended claims 1, 3, and 5-6 to comply with the Examiner’s request for correction. Applicant has canceled claim 7, rendering the Examiner’s objection to claim 7 moot.

IV. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 7-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,452,517 to Kohayakawa (“Kohayakawa”). Claims 7-9 have been canceled, rendering this rejection moot.

V. Rejections under 35 U.S.C. § 103(c)

Claim 10

The Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as being obvious over Kohayakawa in view of U.S. Patent No. 4,187,014 to Kato et al. (“Kato”). Claim 10 has been canceled, rendering this rejection moot.

Claims 1 and 4-5

The Examiner has rejected claims 1 and 4-5 under 35 U.S.C. § 103(a) as being obvious over Kato in view of Kohayakawa. Independent claim 1 has been amended to clarify the differences between the claimed invention and the cited art. Applicant respectfully submits that neither Kato nor Kohayakawa, either alone or in combination, disclose “a focus aid mark projecting system comprising a light source and a condenser lens, wherein said light source and condenser lens are not coupled to the imaging focus adjustment lens” as recited in amended claim 1. The claimed invention allows for the adjustment of the focus aid mark without moving the light source or the condenser lens. On the other hand, Kato teaches a system with a focusing lens 3 which is moved axially as a unit with a relay lens 17, a mark 18, a prism assembly 19, a condenser lens 20 and a light source 21. (Kato, col. 4, lines 36-40). For at least the reasons discussed above, Applicant respectfully submits that claim 1 patentable over Kato in view of Kohayakawa.

Claims 4-5 depend from claim 1. Applicant respectfully submits that, for at least the reasons discussed above, including the reasons discussed with respect to claim 1, claims 4-5 are patentable over Kato in view of Kohayakawa by virtue of their dependency.

Claims 2 and 6

The Examiner has rejected claims 2 and 6 under 35 U.S.C. § 103(a) as being obvious over Kato in view of Kohayakawa and in further view of U.S. Patent No. 4,544,28 to Nunokawa (“Nunokawa”). As discussed above with respect to claim 1, neither Kato nor Kohayakawa, either alone or in combination, disclose “a focus aid mark projecting system comprising a light source and a condenser lens, wherein said light source and condenser lens are not coupled to the imaging focus adjustment lens” as recited in amended claim 1. Nunokawa also does not disclose this limitation. Nunokawa teaches a relay lens 54, a condenser lens 60 and a light source 62 which are assembled together so that they can be moved as a unit with a focusing lens 16 (Nunokawa, col. 3, lines 54-60).

Applicant has amended claim 2 to recite that “at least one of said one or more non-moving lens is positioned between said focus aid mark focusing lens and said condenser lens.” Although Nunokawa discloses a non-moving lens in the same optical path as the focus aid mark

focusing lens, Nunokawa does not teach that the non-moving lens is positioned between the focus aid mark focusing lens and the condenser lens as recited in claim 2.

Claims 2 and 6 depend from claim 1. For at least the reasons cited above with respect to claims 1 and 2, Applicant respectfully submits that claims 2 and 6 are patentable over Kato in view of Kohayakawa and further in view of Nunokawa.

Claim 3

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as being obvious over Kato in view of Kohayakawa and further in view of AAPA. The Examiner contends that AAPA discloses that using a negative lens for focusing is known in the art. However, Kato is incompatible with a negative focusing lens. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. (MPEP, § 2143.01(V)). The system of Kato is only feasible if the focusing lens forms part of an afocal optical system (Kato, col. 3, lines 21-24). Because of the addition of non-moving fixed lenses 14 and 15 as shown in Fig. 2 of the present application, the claimed invention does not limit the claimed invention to an afocal system as required in Kato. Applicant respectfully submits that it would not have been obvious to replace the focusing lens of Kato with a negative lens as taught by AAPA because such a modification renders the system of Kato unsatisfactory for its intended purpose.

Claim 3 depends from claim 1. Applicant respectfully submits that, for at least the reasons discussed above with respect to claims 1 and 3, claim 3 is patentable over Kato in view of Kohayakawa and further in view of AAPA.

Conclusion

Applicant asserts that the claims as presented herein are patentable over the cited prior art for at least the reasons stated herein and are therefore in condition for allowance. Applicant respectfully requests a timely Notice of Allowance for the claims in this case.

Respectfully submitted,
Dalina Law Group, P.C.

/EW64327/

Ellen Wei, Reg. # 64,327
P. (626) 405-1413
F. (858) 777-5425